

REMARKS

Claims 11-14 have been withdrawn, claim 19 has been cancelled, claims 1-10 and 15-18 are now in the application.

In paragraphs 1 and 2 the Examiner has rejected claims 1,2, 4-8 and 15-18 as being unpatentable over Cohen in view of Komura and JP 6147,802 . It first is noted that the Patent Office supplied the applicant with a copy of JP 08251060 for a "dimension measuring method and device". This is a different patent than that cited on page 2 by the Examiner. However, because this patent looked relevant it has been assumed that there was a typing mistake and that the patent provided is correct. It is further noted that neither of these Japanese patents was referenced by the Examiner on the "Notice of References Cited" form. It is of interest that yet another Japanese patent was referenced on the Notice of References cited. It however, was not provided either.

Claim 1 has been amended, claim 1 as amended specifies that the improvement comprises:

a hook having a T shaped cross section, said T having an upper portion projecting upwardly above the longer arm attached to the coiled tape, in addition to a lower portion extending below the longer arm, and wherein a non slip means is positioned along an outside face portion of the hook including the upper portion of the T so that when the coiled tape is extended and arched to maintain the hook at the elevation of the housing, the upper

portion of the hook and the non-slip means thereon will engage the member which the internal measurement is being taken from and [outside of the tape hook is pressed against one member] the tape hook will be less inclined to slip therealong. Support for this amendment is provided in figure 1 and figure 2 of the drawings.

None of the references cited provide for a hook having a T shaped cross section. Frequently in use it is necessary to extend the tape to a member, or say a distant wall, while holding the housing. The tape hook and uncoiled tape sag under because of their weight. One compensates by twisting the housing so that the hook elevates to the elevation of the housing. When the hook engages the distant wall, the uncoiled tape is arched. As shown in the sketch herebelow only the top corner portion of a hook in the prior art contacts the wall. With the disclosed hook the upper portion of hook engages the wall and is prevented from slipping therealong. After the hook has engaged the wall further extension of the coiled tape can be undertaken as the housing rotation is partly reversed. Further extension results in the T shaped hook more fully engaging the wall. In contrast the prior art of an L shaped hook is more likely to slip down along the wall, or more likely to result in a sharp bend in the uncoiled tape. A T shaped hook is a significant advantage when the tape is uncoiled a substantial distance to measure from the inside surface of a member.

It is respectfully submitted that claims 2-9, dependent on amended claim 1, should now also be allowable based on their dependency.

With respect to claim 8 the Examiner has suggested that a broad interpretation of Cohen meets the the limitations as claimed. The Examiner states that Cohen focuses the light to illuminate the entire section of the tape including the exact measured length. It is respectfully suggested that what Cohen does is better done in bright sunlight. And in bright sunlight when the entire tape is well illuminated, including the exact measured light, the problem of parallax exists. It is necessary for one to align their eye along the front edge of the tape to avoid the problem of parallax. When one is taking an inside measurement and has both of their arms extended, one arm holding the uncoiled tape as close as possible to the hook, and the other arm holding the housing, it is then difficult to align one's eye behind the front edge of the housing to avoid the problem of parallax. It is respectfully submitted to the Examiner that focusing the light to illuminate the entire length of the tape including the exact length being measured does not avoid the problem of parallax, anymore than the problem of parallax is avoided in bright sunlight. None the less claim 8 has been amended to further differentiate it from Cohen. Claim 8 has been amended to read, A tape measure as in claim 4 wherein the light comprises a focused light positioned to precisely and more brightly illuminate the measured length on the tape than the surrounding lines therealong so that the exact measured length on the tape is clearly indicated by the focused light and the problem of parallax is [largely] avoided thereby enabling the precise measured length to be read when one's eye is not aligned along a front edge portion of the housing.

Parallax cannot be ever be eliminated by illuminating an entire portion of the tape. Parallax, by this means cannot be eliminated in either a broad sense, or a narrow sense. With respect to the Examiner's comment that claims 15-18 will be met during the normal operation of the tape measure as disclosed by Cohen as modified by Komura and Uchiyama. It is respectfully suggested that the Examiner review the definition of parallax "the apparent displacement or the difference in apparent direction of an object (the exact and correct measurement) as seen from two different points not in a straight line with the object. It is beyond me to see how either Komura or Uchiyama have any thing to do with incorrect measurements caused by parallax. New claims 20, 21, and 22 have been added to more independently claim the use on a focused light on a tape measure to eliminate the problem of parallax.

In paragraph 3 the Examiner further states that the above cited references teach all claimed but for a non-slip means comprising a pointed barb. It is stated that US 14,947 to Ballou discloses a pointed barb. US 14,947 may have been another typing reference error. Again Ballou was not listed on the Notice of References cited. US 14,947 relates to a brick machine. It is unlikely one concerned with developing a tape measure would be led to a brick machine.

In paragraph 7 the Examiner indicates that claim 10 contains allowable subject matter. It is respectfully submitted that claim 1 as amended should be allowable, and that all intervening and dependent claims should also now be allowable. None the less to better

protect the subject matter of claim 10 has been added in independent form in new claim 24.

It is respectfully submitted that claims 1-10 and 15-18, as well as new claims 20-24, now in the application, are in form for allowance. All issues raised by the Examiner have been resolved.

As this response is timely submitted no late fee is enclosed.



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